

FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 07-02899 CW (PR)

ORDER TO SHOW CAUSE

SCHELIA A. CLARK, Warden,

Petitioner, a federal prisoner, has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

Petitioner has paid the \$5.00 filing fee.

A district court may entertain a petition for a writ of habeas corpus challenging the execution of a federal sentence only on the ground that the sentence is being executed "in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3); United States v. Giddings, 740 F.2d 770, 772 (9th Cir. 1984).

The court should "award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto." 28 U.S.C. § 2243. Summary dismissal is appropriate only where the allegations in the petition are vague or conclusory, palpably incredible, or patently frivolous

1 or false. Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir. 1990)
2 (quoting Blackledge v. Allison, 431 U.S. 63, 75-76 (1977)).

3 It does not appear from the face of the petition that it is
4 without merit. Good cause appearing, the Court hereby issues the
5 following orders:

6 1. The Clerk of the Court shall serve a copy of this Order
7 and the petition and all attachments thereto upon Respondent and
8 Respondent's attorney, the United States Attorney for the Northern
9 District of California. The Clerk shall send a copy of the
10 petition to the Attorney General of the United States in
11 Washington, D.C. The Clerk shall also serve a copy of this Order
12 on Petitioner.

13 2. Respondent shall file with this Court and serve upon
14 Petitioner, within sixty (60) days of the issuance of this Order,
15 an Answer showing cause why a writ of habeas corpus should not be
16 issued. The respondent shall file with the answer a copy of all
17 documents that are relevant to a determination of the issues
18 presented by the petition.

19 3. If Petitioner wishes to respond to the Answer, Petitioner
20 shall do so by filing a Traverse with the Court and serving it on
21 Respondent within thirty (30) days of receiving the Answer. Should
22 Petitioner fail to do so, the petition will be deemed submitted and
23 ready for decision thirty (30) days after the date Petitioner is
24 served with Respondent's Answer.

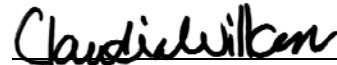
25 4. It is Petitioner's responsibility to prosecute this case.
26 Petitioner must keep the Court and Respondent informed of any
27 change of address and must comply with the Court's orders in a
28 timely fashion. Petitioner must also serve on Respondent's counsel

1 all communications with the Court by mailing a true copy of the
2 document to Respondent's counsel.

3 5. Extensions of time are not favored, though reasonable
4 extensions will be granted. Any motion for an extension of time
5 must be filed no later than ten (10) days prior to the deadline
6 sought to be extended.

7 IT IS SO ORDERED.

8 Dated: 6/19/07



9 CLAUDIA WILKEN
10 UNITED STATES DISTRICT JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CYNTHIA BARCELO BLAKE, Case Number: CV07-02899 CW
Plaintiff, **CERTIFICATE OF SERVICE**

v.

SCHELIA A. CLARK et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 19, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Cynthia Barcelo Blake 14927-097
Federal Prison Camp - Dublin
5675 8th Street
Camp Parks
Dublin, CA 94568

Schelia A. Clark
Warden
Federal Corrections Institute
5701 8th Street
Dublin, CA 94568

U.S. Attorney
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Attorney General
U.S. Department of Justice
Washington, DC 20530

Dated: June 19, 2007

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California